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Assistant Engineer, Kseb, Irikkur Section, Irikkur Vs. O.K. Mammad

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC Thiruvananthapuram

Decided On : Jan-22-2010

Judge : Justice Shri. K.R. Udayabhanu: President, Shri. M.K. Abdulla Sona: Member

Appeal No. : First Appeal No. 870 of 2006 (Arisen out of order dated in Case No. 433 of 2003 of District Kannur)

Appellant : Assistant Engineer, Kseb, Irikkur Section, Irikkur

Respondent : O.K. Mammad

Judgement :

JUSTICE SHRI. K.R. UDAYABHANU: PRESIDENT

The appellants are the opposite parties/KSEB in OP:433/03 in the file of CDRF, Kannur. The appellant is under orders to replace the defective meter and to pay compensation of Rs.5000/- and cost of Rs.1000/-.

2. The case of the complainant is that he noticed that the electric meter is running at a high speed and hence he filed an application for replacement of the meter on 22..9..2003. Opposite parties did nothing to replace the meter. Subsequently a spot bill was issued for a sum of Rs.4484/-. According to him he has paying a sum less than Rs.200/- per month towards the electric charges. He has sought for a compensation of Rs.25,000/- and for setting aside the bill.

3. According to the opposite parties on receiving the complaint meter was verified by the Lineman on 3..10..2003 and reported with the meter is running properly. Since the meter was running properly it was not replaced. According to the opposite parties, subsequently also it is seen that the meter is running properly.

4. The evidence adduced consisted of the testimony of PW1, DW1, Exts.A1 to A3 B1 and B2.

5. It is contended by the counsel for the appellant that Ext.B2 the complaint submitted by the complainant before the authorities it is mentioned that when the main switch is put off also the meter is running. There is a direction in Ext.B2 to check the meter. The direction is to the Lineman. He has checked the meter and reported that the condition of the meter is good. The above entries are seen in Ext.B2. The counsel has also relied on the annexure of Ext.B1 extract of the meter reading register from which it can be seen that in the 4 subsequent billings the units of consumption has drastically reduced. Evidently only with respect to the particular disputed bill there is a spurt. It is pointed out by the counsel that the above spurt can be on account of defective earthing or on account of excessive use during the above period. Evidently the contention of the counsel is a possible reason for the spurt. But it has to be noted that the meter has not been properly examined. Only the Lineman has put the main switch off and found that the meter is working. The appellant ought to have enquired into the matter. Of course PW1 also could not explain the reason for the reduced consumption subsequently.

6. In the circumstances we find that the order of the Forum directing to pay compensation of Rs.5000/- is liable to be set aside. The opposite party/appellant is directed to collect only Rs.250/- is the bill amount with respect to the bill dated:20..9..2003. The direction to pay cost of Rs.1000/- is also set aside. The excess amount collected would be adjusted in future bills.

In the result the appeal is allowed in part as above.

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